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Attorneys at Law

November 11, 2020

U.S. Environmental Protection Agency
National FOIA Office
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Submitted to FOIAonline: <https://foiaonline.gov/foiaonline/action/public/request>

Re: FOIA Request for Records Related to Ellis Park Race Track

Ellis Entertainment, LLC (“Ellis Entertainment”) respectfully requests disclosure of records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and applicable Environmental Protection Agency regulations, 40 C.F.R. §§ 2.100-2.108, related to Ellis Park Race Track (sometimes also referred to as “Ellis Park Race Course Incorporated”) (hereafter “facility”), located at 3300 U.S. Highway 42 North, Henderson, Kentucky 42419. Ellis Entertainment acquired the facility from Ellis Park Race Course, LLC and Saratoga Casino Holdings, LLC on March 26, 2019 and seeks all records the U.S. Environmental Protection Agency (“EPA”) has in its possession related to the facility until that time. These records are not sought for a use or purpose that furthers commercial, trade, or profit interests.

I. Description of Records Sought

Ellis Entertainment requests all records in EPA’s possession, custody, or control concerning the facility from 2000 to March 26, 2019, including but not limited to:

1. Records of any previously held permits and granted permit authorizations issued to the facility.
2. Records of all inspections of the facility conducted by EPA or the Kentucky Department of Environmental Protection (“KDEP”), including notices of inspection, notes, and correspondence, by email or otherwise, regarding inspections, and all other follow-up records.
3. Records of any other communications between EPA or KDEP and facility owners, operators, and employees regarding the facility.
4. Records of all formal or informal enforcement actions taken by EPA or KDEP related to the facility.

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The term “records” means anything denoted by the use of that word or its singular form in the text of FOIA and includes correspondence, minutes of meetings, memoranda, notes, emails, notices, facsimiles, charts, tables, presentations, orders, filings, and other writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored). *See* 5 U.S.C. § 552(f)(2).

For the purposes of this request, the Ellis Entertainment seeks records that exist as of the date that EPA begins searching for records responsive to this request.

II. Fees

Ellis Entertainment is willing to pay fees up to \$50 to respond to this request. Please do not incur more than \$50 of expenses without first contacting me for explicit authorization.

III. Format and Timeline

Please provide the requested records in electronic form, via an email to me (jgrant@jillgrantlaw.com), or email me to request a link to a Dropbox folder where you can upload the records. If that is not possible, please call or email to arrange an alternative method. Please send responsive records on a rolling basis, so that EPA’s search for—or deliberations concerning—certain records does not delay the production of others that EPA has already retrieved and elected to produce.

If EPA concludes that any part of the requested records is confidential or otherwise exempt, please provide a detailed written explanation for any redactions made or documents withheld.

Thank you for your help with this request. If you have any questions, please email me at jgrant@jillgrantlaw.com, or call me at (202) 821-1947 (office direct).

Sincerely,

JILL GRANT & ASSOCIATES, LLC



Jill Elise Grant

cc: Leander Bergen, Corporate Legal Counsel
Jeffery Inman, Ellis Entertainment, LLC